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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/674,962	09/30/2003	David F. Bantz	YOR920030325US1 (16872)	5304
23389 7590 12/21/2007 SCULLY SCOTT MURPHY & PRESSER, PC 400 GARDEN CITY PLAZA SUITE 300 GARDEN CITY, NY 11530			EXAMINER LIU, LIN	
			ART UNIT 2145	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/674,962	<b>Applicant(s)</b> BANTZ ET AL.	
	<b>Examiner</b> LIN LIU	<b>Art Unit</b> 2145	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 October 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### DETAILED ACTION

1. This office action is responsive to communications filed on 10/15/2007.

Claims 31-35 are cancelled and 1-30 are pending and have been examined.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 2, 4, 6-10, 12-14, 17-21 and 23-28 are rejected under 35 U.S.C. 102(e) as being anticipated by **Ishiyama et al. (Publication no.: US 2005/0102415 A1)**.

With respect to **claim 1**, Ishiyama teaches a method implemented by a computing device for real-time dynamic switching between a first service provider providing a Web-based service for users at a user's computer device over a communications network and a second service provider adapted for providing said service for users at a user's computer device (Ishiyama: fig. 1), said method comprising the steps of:

automatically monitoring said communications network for determining compliance of service-level guarantees by said first service provider at said user's

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computer device (Ishiyama: page 5, paragraphs 64, 66 & 68, noted that the router R1 monitors and checks on the connectivities with ISPa and ISPb); and,

upon determining non-compliance of said service-level guarantees, locating a second service provider for providing said service according to said service-level guarantees (Ishiyama: page 6, paragraphs 82 and 89-91, noted that when router R1 detects that the primary ISP is disconnected, it sends a message to the communication node N, and the communication node N generates the source address of the new ISP and attaches this address to the header of the packet);

replicating state information associated with said user's use of said service provided by said first service provider at said user's computer device (Ishiyama: page 4, paragraph 50, and page 7, paragraphs 103-105, noted that the connectivity maintains when switching over to the secondary ISP. Thus the state information is inherently replicated to the secondary ISP.);

terminating provision of said service provided by said first service provider (Ishiyama: page 6, paragraphs 82 and 89-91, noted that the connection with the primary ISPa is disconnected); and

switching service provision to said user's computer device from said second service provider over said communications network (Ishiyama: page 6, paragraphs 82 and 89-91, noted that the service is switched over to the secondary ISPb); and,

migrating said state information maintained up to the time of switching to said service provided by said second service provider, wherein the switching occurs in a manner substantially transparent to the user (Ishiyama, page 7, paragraphs 103-105,

noted that the router R1 facilitates the switching of the ISP with node N without interrupting the connectivity).

With regard to **claim 18** the limitations of this claim are substantially the same as those in claim 1. Therefore the same rationale for rejecting claim 1 is used to reject claim 18. By this rationale **claim 18** is rejected.

Rejections to the rest of the **dependent claims** are substantially the same as below.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. Claims 1, 2, 4, 6-10, 12-14, 17-21 and 23-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Ishiyama et al. (Publication no.: US 2005/0102415 A1)** in view of **Zhu et al. (PGPUB. No.: US 2003/0167339 A1)**.

With respect to **claim 1**, Ishiyama teaches a method implemented by a computing device for real-time dynamic switching between a first service provider providing a Web-based service for users at a user's computer device over a communications network and a second service provider adapted for providing said service for users at a user's computer device (Ishiyama: fig. 1), said method comprising the steps of:

automatically monitoring said communications network for determining compliance of service-level guarantees by said first service provider at said user's computer device (Ishiyama: page 5, paragraphs 64, 66 & 68, noted that the router R1 monitors and checks on the connectivities with ISPa and ISPb); and,

upon determining non-compliance of said service-level guarantees, locating a second service provider for providing said service according to said service-level guarantees (Ishiyama: page 6, paragraphs 82 and 89-91, noted that when router R1 detects that the primary ISP is disconnected, it sends a message to the communication node N, and the communication node N generates the source address of the new ISP and attaches this address to the header of the packet);

transferring state information associated with said user's use of said service provided by said first service provider at said user's computer device (Ishiyama: page 4,

paragraph 50, and page 7, paragraphs 103-105, noted that the connectivity maintains when switching over to the secondary ISP);

terminating provision of said service provided by said first service provider (Ishiyama: page 6, paragraphs 82 and 89-91, noted that the connection with the primary ISPa is disconnected); and

switching service provision to said user's computer device from said second service provider over said communications network (Ishiyama: page 6, paragraphs 82 and 89-91, noted that the service is switched over to the secondary ISPb); and,

migrating said state information maintained up to the time of switching to said service provided by said second service provider, wherein the switching occurs in a manner substantially transparent to the user (Ishiyama, page 7, paragraphs 103-105, noted that the router R1 facilitates the switching of the ISP with node N without interrupting the connectivity).

However, Ishiyama does not explicitly teach a method of replicating state information associated with user's use of service provided by a service provider at user's computer device.

In the same field of endeavor, Zhu teaches a method of replicating session information associated with user's use with service provider (Zhu: fig. 15, page 7, paragraph 96).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to incorporate the method of replicating session information as taught by Zhu in Ishiyama's invention in order to keep the client's current session

information so that when client switches over to the secondary service provider, it is not necessary to begin the session all over again to complete the desired interaction.

With respect to **claim 2**, Ishiyama teaches the method of claim 1, further including the steps of:

maintaining state information associated with said user's use of said service provided by said first service provider (Ishiyama, page 4, paragraph 50, noted the ISP state management unit 34).

With respect to **claim 4**, Ishiyama teaches the method of claim 1, wherein said switching is performed automatically without user knowledge (Ishiyama, page 7, paragraphs 103-105, noted that the router R1 facilitates the switching of the ISP with node N without interrupting the connectivity).

With respect to **claim 6**, Ishiyama teaches the method of claim 1, wherein said user includes: an individual (Ishiyama, page 4, paragraph 47, noted that node N may be a user), or a group of individuals.

With respect to **claim 7**, Ishiyama teaches the method of claim 1, wherein said service provided to said users over a communications network includes a service provisioning one or more of: text, multimedia content, images, broadcasts, recipes, functions for a computer (Ishiyama, page 3, paragraph 41, enabling communication between server S on the internet and communication node N), and sensory stimulations.



With respect to **claim 8**, Ishiyama teaches the method of claim 1, wherein the switching includes transfer of service properties (Ishiyama, page 7, paragraph 103, noted the same destination address).

With respect to **claim 9**, Ishiyama teaches the method of claim 1, wherein the first and second services are Web services, a service provided by the switching provider including a Web service (Ishiyama, page 3, paragraph 40, noted that ISPa and ISPb).

With respect to **claim 10**, Ishiyama teaches the method of claim 1, where a switching criterion includes one or more selected from the group comprising: said first service provider is unavailable (Ishiyama, page 5, paragraph 64, noted that ISP is unavailable); the service provided by first service provider is degraded (Ishiyama, page 6, paragraph 82, ISPa is disconnected); the cost of the service provided by second service provider is less than the cost of the service provided by first service provider, the service provided by the second service provider has fewer advertisements, the service provided by second service provider is more secure.

With respect to **claim 12**, Ishiyama teaches the method of claim 1, where a switching criterion is determined based on a potential or predicted relative liability for providing said service (Ishiyama, page 5, paragraph 62, transfer speed).

With respect to **claim 13**, Ishiyama teaches the method of claim 1, where a switching criterion is determined based on one or more of: a relative ease of use for a plurality of users (Ishiyama, page 5, paragraph 62, transfer speed), a relative cognitive load or, the relative occurrence of SPAM.

With respect to **claim 14**, Ishiyama teaches the method of claim 1 where the switching provider comprises one selected from the group comprising: a third party (Ishiyama, fig. 1, router R1), a provider of the first service, a provider of the second service, a provider of both services, a software agent running on the user's computer, a service provider, a company, the government, a video or image content provider, an audio content provider, an insurance agency, a health care provider, an advertiser, a multimedia broadcaster or cable TV company, a game provider.

With respect to **claim 17**, Ishiyama teaches the method of claim 1, where the switching service in a peer-to-peer file sharing system (Ishiyama, fig. 1, Node N and Server S).

With regard to **claim 18** the limitations of this claim are substantially the same as those in claim 1. Therefore the same rationale for rejecting claim 1 is used to reject claim 18. By this rationale **claim 18** is rejected.

With regard to **claim 19** the limitations of this claim are substantially the same as those in claim 2. Therefore the same rationale for rejecting claim 2 is used to reject claim 19. By this rationale **claim 19** is rejected.

With regard to **claim 21** the limitations of this claim are substantially the same as those in claim 4. Therefore the same rationale for rejecting claim 4 is used to reject claim 21. By this rationale **claim 21** is rejected.

With regard to **claim 23** the limitations of this claim are substantially the same as those in claim 6. Therefore the same rationale for rejecting claim 6 is used to reject claim 23. By this rationale **claim 23** is rejected.

With regard to **claim 24** the limitations of this claim are substantially the same as those in claim 7. Therefore the same rationale for rejecting claim 7 is used to reject claim 24. By this rationale **claim 24** is rejected.

With regard to **claim 25** the limitations of this claim are substantially the same as those in claim 8. Therefore the same rationale for rejecting claim 8 is used to reject claim 25. By this rationale **claim 25** is rejected.

With regard to **claim 26** the limitations of this claim are substantially the same as those in claim 9. Therefore the same rationale for rejecting claim 9 is used to reject claim 26. By this rationale **claim 26** is rejected.

With respect to **claim 27**, Ishiyama teaches the system of claim 18, where a switching criterion includes one or more selected from the group comprising: said first service provider is unavailable (Ishiyama, page 5, paragraph 64, noted that ISP is unavailable); the service provided by first service provider is degraded (Ishiyama, page 6, paragraph 82, ISPa is disconnected); the cost of the service provided by second service provider is less than the cost of the service provided by first service provider; the service provided by the second service provider has fewer advertisements; the service provided by second service provider is more secure; based on a result of an auction system for providing said services; based on a potential or predicted relative liability for providing said service (Ishiyama, page 5, paragraph 62, transfer speed); based on one or more of: a relative ease of use for a plurality of users, a relative cognitive load or, the relative occurrence of SPAM.

With regard to **claim 28** the limitations of this claim are substantially the same as those in claim 14. Therefore the same rationale for rejecting claim 14 is used to reject claim 28. By this rationale **claim 28** is rejected.

7. Claims 3 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Ishiyama et al. (Publication no.: US 2005/0102415 A1)** in view of **Zhu et al. (PGPUB. No.: US 2003/0167339 A1)** and further in view of **Ito et al. (Publication no.: US 2003/0036921 A1)**.

With respect to **claim 3**, Ishiyama teaches the method of claim 1, further including the steps of:

establishing criterion for determining service fees (Ishiyama, page 5, paragraph 62, fee) to be charged by a switching service provider for providing said automatic switching (Ishiyama, page 7, paragraphs 103-105, noted that the router R1 facilitates the switching of the ISP with node N without interrupting the connectivity). However, the combined method of Ishiyama and Zhu does not explicitly teach a method of communicating fee information to said user.

In the same field of endeavor, Ito teaches a method of communicating fee information to said user (Ito, page 3, paragraph 48, noted that the service fee is displayed to the user).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to incorporate the method of displaying the service fee to the

user as taught by Ito in the combined method of Ishiyama's and Zhu's invention in order to create a friendly interface to the users with the new service provider.

With regard to **claim 20** the limitations of this claim are substantially the same as those in claim 3. Therefore the same rationale for rejecting claim 3 is used to reject claim 20. By this rationale **claim 20** is rejected.

8. **Claims 5 and 22** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Ishiyama et al. (Publication no.: US 2005/0102415 A1)** in view of **Zhu et al. (PGPUB. No.: US 2003/0167339 A1)** and further in view of Official Notice.

With respect to **claim 5**, Ishiyama teaches a method of automatically performing the switching without the knowledge of the user (Ishiyama, page 7, paragraphs 103-105, noted that the router R1 facilitates the switching of the ISP with node N without interrupting the connectivity). Ishiyama failed to disclose a method of performing the switching at behest of a user. Official Notice is taken that a user interface was well known in a server computer to one of ordinary skill in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the method of displaying a user interface to the user for entering a command. The advantage of incorporating this method is to notify the user the change of the service provider and the service fee, thus the user will not be over paying for the service fee.

With regard to **claim 22** the limitations of this claim are substantially the same as those in claim 5. Therefore the same rationale for rejecting claim 5 is used to reject claim 22. By this rationale **claim 22** is rejected.

9. **Claim 11** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Ishiyama et al. (Publication no.: US 2005/0102415 A1)** in view of **Zhu et al. (PGPUB. No.: US 2003/0167339 A1)** and further in view of **O'Brien (Patent no.: US 6,587,831 B1)**.

With respect to **claim 11**, the combined method of Ishiyama and Zhu teaches all the claimed limitations except that they do not explicitly teach a method of determining a criterion based on a result of an auction system.

In the same field of endeavor, O'Brien teaches a method of determining a criterion based on a result of an auction system (O'Brien, col. 8, lines 2-16).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to incorporate the method of determining a criterion based on a result of an auction system as taught by O'Brien in the combined method of Ishiyama's and Zhu's invention in as a design pattern for the filter criteria of the switching service.

10. **Claims 15, 16, 29 and 30** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Ishiyama et al. (Publication no.: US 2005/0102415 A1)** in view of **Zhu et al. (PGPUB. No.: US 2003/0167339 A1)** and further in view of **Frengut et al. (publication no.: US 2002/0046099 A1)**.

With respect to **claims 15 and 16**, the combined method of Ishiyama and Zhu teaches all the claimed limitations except that they do not explicitly teach a method of

generating a fee for switching services based on user satisfaction level. Wherein determining a user satisfaction level according to biometrics obtained from and concerning the user.

In the same field of endeavor, Frengut teaches a method of generating a fee for switching services based on user satisfaction level. Wherein determining a user satisfaction level according to biometrics obtained from and concerning the user (Frengut, page 2, paragraph 26, noted that the service fee is charged after the user is satisfied with user's preference).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to incorporate the method of generating a service fee based on the user's preference and satisfaction as taught by Frengut in the combined method of Ishiyama's and Zhu's invention in order to present a dynamic and customizable interface to the user.

With regard **claims 29 and 30** the limitations of these claims are substantially the same as those in claims 15 and 16. Therefore the same rationale for rejecting claims 15 and 16 is used to reject claim 29 and 30. By this rationale claims 29 and 30 are rejected.

### ***Response to Arguments***

11. Applicant's arguments filed on 10/15/2007 have been fully considered but they are not persuasive.

12. Applicant's arguments with respect to claims 1-30 have been considered but are moot in view of the new ground(s) of rejection.

13. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "For example, the switching service that is disclosed in the present specification may be a broker for two or more alternate implementations of a given service. The communication between the user computer and the service may pass through the broker, but the broker may communicate with the different service implementations in any manner including a manner which does not rely on packet communication. For example, the broker may reside in a logical partition of a computer and the different service providers may reside in other logical partitions. Switching a user from one provider to another implies that the broker's pattern of cross-partition calls will change, but there is no routing involved.") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

14. In response to applicant's argument that the *session state is more than just the connectivity information as disclosed in Ishiyama. The session state may also include security state, but this feature is not explicitly recited in the present claim language.* Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

15. In response to applicant's argument that "Routers are blissfully unaware of the security state of a session: if they were aware of this state it would be a critical violation



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of security!". The examiner disagrees. The routers disclosed in Ishiyama does not have to be an actual ROUTER DEVICE itself, it can be a computer as disclosed in Ishiyama in page 4, paragraph 52.

16. In response to applicant's argument that "In order for Ishiyama's invention to switch application providers, it would have to be aware of such things as the prevalence of spam, or the usability of the user interface, neither of which is known to a router as taught by Ishiyama.", and "Moreover, the applicants respectfully disagree as to the rejection of Claim 13 directed to further switching criterion, i.e., service level compliance based on a relative ease of use for a plurality of users, a relative cognitive load or, the relative occurrence of SPAM. In fact, applicants respectfully fail to see any teaching in Ishiyama in this regard, i.e., Ishiyama is completely silent on all of those advanced service level compliance criteria set forth in Claims 13 and 27, because the routers as taught in Ishiyama have no access to anything that correlates with them.". The examiner disagrees. The present claim language of claims 13 and 27 contains the "or" conditions, which requires that the "switching criterion is determined based on one or more selected from the group". The Examiner submits that the "based on one or more" phrase is an alternative claim language and simply requires that the determination is made on the basis of EITHER one of the conditions recited. In the case of Ishiyama, the examiner interprets the "switching criterion is determined based on a relative ease of use for a plurality of users", which is equivalent to the "transfer speed, service content" taught by Ishiyama in page 5, paragraph 62.

17. In response to applicant's arguments toward claims 3, 20 and 11 against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

18. Furthermore, Applicants seem to misinterpret the Office Action rejection with regard to claims 3 and 20, Ishiyama teaches “establishing criterion for determining service fees to be charged by a switching service provider for providing said automatic switching” (Ishiyama: page 5, paragraph 62, fee.) However, what Ishiyama does not explicitly teach is a method of communicating fee information to said user. See the claims rejections above for the complete rejection toward these claims.

19. Applicant employs broad language, which includes the use of word, and phrases, which have broad meanings in the art. In addition, Applicant has not argued any narrower interpretation of the claim language, nor amended the claims significantly enough to construe a narrower meaning to the limitations. As the claims breadth allows multiple interpretations and meanings, which are broader than Applicant's disclosure, the Examiner is forced to interpret the claim limitations as broadly and as reasonably possible, in determining patentability of the disclosed invention. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir.1993).

20. Failure for Applicant to significantly narrow definition/scope of the claims and supply arguments commensurate in scope with the claims implies the Applicant intends

broad interpretation be given to the claims. The Examiner has interpreted the claims with scope parallel to the Applicant in the response, and reiterates the need for the Applicant to more clearly and distinctly define the claimed invention.

### ***Conclusion***

21. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

22. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lin Liu whose telephone number is (571) 270-1447. The examiner can normally be reached on Monday - Friday, 7:30am - 5:00pm, EST.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on (571) 272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/L. L./

/Lin Liu/  
Examiner, Art Unit 2145

/Jason D Cardone/  
Supervisory Patent Examiner, Art Unit 2145